



## **Fees Guidance**

### **First-tier Tribunal (Immigration and Appeals Chamber)**

Before making your appeal please read your Notice of Decision carefully. This will explain the reasons for the refusal of your application, the legislation used and your appeal rights that you will need to take into account when giving your grounds for appeal.

### **Appeal fees**

Most appeals which are dealt with in the First-tier Tribunal (Immigration and Appeals Chamber) require a fee to be paid before an appeal is processed. Please note – The fee you pay is a contribution towards (not the whole cost) the administration of your appeal whether you have requested an oral hearing or have it considered on paper evidence only. To check if an appeal does not require a fee to be paid see the 'Exemptions and Remissions' section on page 4.

If an appeal is required then it will cost, for each person appealing, either:

- £140 for an appeal to be determined at an oral hearing; or
- £80 for an appeal to be determined on the papers provided.

### **How to pay the fee**

If an appeal fee is required then this can be paid either:

- on-line at <https://immigrationappealonline.justice.gov.uk/IACFees/> ;or
- by including payment card details with an appeal form. There is a section of the appeal form for this purpose. HM Courts & Tribunals Service will process the payment on receipt of the appeal. You should send your appeal form to:

First-tier Tribunal (Immigration and Asylum Chamber)  
PO Box 6987  
Leicester  
LE1 6ZX

Those appeals received and paid for on line can usually progress sooner than those where the appeal is lodged by post as payment clearance starts as soon as the appeal and payment is submitted on line.

If you send your appeal to HM Courts & Tribunals Service without payment then you will be contacted and provided with further information about how you can pay, including into HM Courts & Tribunals Service's bank account. You should note that this option may result in delay in determining your appeal whilst payment is awaited. You should ensure that the payment HM Courts & Tribunals Service receives is for the full amount of the fee and in Pounds Sterling.

## Method of payment

The fee can be paid using a payment card (credit or debit card), either when making an on-line appeal or by writing down the payment card details in the space provided on the appeal form. HM Courts & Tribunals Service will accept Visa and MasterCard payment cards with the following symbols:



**Please note:** HM Courts & Tribunals Service does not accept payment of fees by cash or cheque. You should not send either cash or cheques with your appeal. These payments will not be accepted and will be returned to you. Usually your appeal will not progress until payment by an acceptable method has been made.

## On Line Appeal with Payment

If you submit the appeal on-line then you will be given the option to enter payment card details once your appeal has been completed. If you have selected that the appeal be heard on papers the payment details will already show £80.

Guidance for making an appeal on-line is provided in the section below.

A number of appeals can be submitted and paid for together. After each appeal has been completed you will be asked if you want to pay now or submit another appeal. Once you have submitted all the appeals you want to pay for, select the payment option. You will then be charged for all of the appeals in a single payment. The amount will be filled in for you.

For example, if you are submitting appeals for yourself and three others (or you are doing so on behalf of the appellants) and you selected an oral hearing for each, then you will be asked to make a total payment of £560 (4 x £140).

## **Appeal with Payment by Post**

If you write your payment card details on your appeal form and send it to us, you should not send it more than once - for example by post and faxing. If you send your payment details more than once, HM Courts & Tribunals Service may take more than one payment.

If you wish to make one payment to cover more than one appeal (or you are doing so on behalf of the appellants) you should ensure that they are sent in a single envelope with all the details of the appeals you wish to pay for clearly marked on the first page of the appeal form. You should include your payment card details on each form. HM Courts & Tribunals Service will take a single payment for the combined total of the fees due for all appeals you have submitted.

## **What if I don't have access to a payment card when I am ready to submit my appeal?**

If you do not have access to a payment card and cannot arrange for someone else to make a card payment for you immediately, then you can still submit your appeal.

Our on line appeal site will store your appeal for two days and this will allow you to arrange for payment by card and go back to your appeal to make a payment on line.

If this is not possible, submit your appeal by post. When HM Courts & Tribunals Service have received your appeal they will write to you to explain how to make a payment directly into their bank account or make a separate payment by card, either by post or on line.

Please note that if you do not make a payment when requested (usually within 2 weeks) your appeal may be struck out and will not proceed.

## **Guidance for making your appeal on-line**

If you would like to make an appeal on-line, you should click on the 'Lodge an Appeal' button on the opening page.

You will then be asked a series of questions regarding your appeal. Please answer these accurately as they will determine the type of appeal form you need to complete, which contain further questions appropriate for your type of appeal.

When making your appeal on-line, you will be given a reference number, which begins with the letters 'IAFT'. You should take a note of this number as it will allow you to return to your appeal form if you wish to complete the form in more than one session. Please note that the previously entered details of your appeal form are only held for 48 hours, after which you will need to start your on-line application again.

When you have completed your appeal and paid your fee (should one be required) you will be provided with a Submission Reference Number which you should include when sending your supporting documents to HM Courts & Tribunals Service. You will also be able to print off a cover sheet containing details of your appeal which you should include with the documents you send to ensure that these can be linked to your appeal.

You will be able to print a copy of the appeal you have submitted on-line for your records. There is no need to send this to HM Courts & Tribunals Service.

**Please note:** When completing your appeal on-line you will be asked to complete both the date of refusal decision and the date of service of the decision. The date of the decision against which you are appealing can be found on the first page of your Notice of Decision. The date of service of the decision is the date you received it.

## Exemptions and Remissions

Not all appeals require a fee to be paid. You do not have to pay a fee for your appeal if:

1. Your appeal is against a decision made under the following legislation. Please note - your Notice of Decision may contain more than one decision. If so, a fee may still be due if the decision is not one of those listed below. Please read your Notice of Decision carefully to check this:
  - section 2A of the 1971 Act (deprivation of right of abode);
  - section 5(1) of the 1971 Act (a decision to make a deportation order);
  - paragraphs 8, 9, 10, 10A or 12(2) of Schedule 2 to the 1971 Act (a decision that an illegal entrant, any family or seaman and aircrew is or are to be removed from the United Kingdom by way of directions);
  - section 40 of the British Nationality Act 1981 (deprivation of citizenship);
  - section 10(1) of the 1999 Act (removal of certain persons unlawfully in the United Kingdom);
  - section 76 of the 2002 Act (revocation of indefinite leave to enter or remain in the United Kingdom);
  - section 47 of the Immigration, Asylum and Nationality Act 2006 (removal: persons with statutorily extended leave);
  - regulation 19(3) of the Immigration (European Economic Area) Regulations 2006(1) (a decision to remove an EEA national or the family member of such a national); or
  - having an appeal in the Detained Fast Track Process (see page 5 of your Notice of Decision to see if this applies to you)

2. You are being provided with Asylum Support Funding by the Home Office under sections 95 or 98 under the Immigration and Asylum Act 1999;
3. You are in receipt of Legal Aid (to note: from April 1st 2013 legal aid is no longer available in England and Wales for most non-asylum immigration cases); or
4. You are the person for whose benefit services are provided by a local authority under section 17 of the Children Act 1989.

Where numbers 2, 3 or 4 apply, you should indicate this on page 2 section C of the appeal form. You should include any reference numbers and send any documentary evidence to the address at the end of this document with your appeal (or where submitting your appeal on-line, send in any additional evidence and supporting documents as soon as possible)

If you are appealing from outside the United Kingdom, sections 1, 2 and 4 will not apply.

**Please note:** If you claim an exemption or remission, HM Courts & Tribunals Service will check whether these apply.

## Exceptional Circumstances Remission

If your appeal type or personal circumstances are not listed in the exemption and remissions section above then you will need to pay the required fee to use the First-tier Tribunal (Immigration and Asylum Chamber) to determine your appeal. Alternatively, you can arrange for a third party (for example a family member, friend or sponsor) to pay the fee on your behalf.

There are some applications where you will need to show the Home Office that you can maintain and accommodate yourself for the duration of your stay in the UK without recourse to public funds (or that you are supported by a third party for example, a family member, friend or sponsor). This is set out in the Home Office's Immigration Rules. Therefore, in most cases, it will be assumed that you can also pay the appeal fee or are able to have the fee paid on your behalf.

Not all immigration appellants are subject to Home Office requirements to maintain and accommodate themselves without recourse to public funds. The requirements do not apply, for example, to:

- nationals of one of the countries in the European Economic Area (EEA): Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, the Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK);
- nationals of Switzerland;

- members of the family of an EEA or Swiss national, whether or not the members are EEA or Swiss nationals themselves;
- family members of those granted Refugee or Humanitarian Protection status; or
- those making an application for discretionary leave to remain.

If you fall into any of these categories, and you consider that, due to exceptional circumstances, you are unable to pay the fee for your appeal, you can apply to have your fee remitted or reduced under article 7 of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011.

## How to make an exceptional circumstances remission application

If you wish to make an exceptional circumstances remission application, you should do so in writing to the address below.

You will need to clearly show that your inability to pay the appeal, or have it paid for you, is due to exceptional circumstances.

You should also include appropriate supporting evidence with your application.

The type of evidence that you may wish to submit will be dependant on your own personal circumstances. For example you may wish to provide notices threatening legal action due to non-payment of bills or housing costs, details of your income, savings, capital, or any other information that you deem appropriate to explain why you cannot pay your appeal fee or have the fee paid for you because of exceptional circumstances. All evidence must be in English or accompanied by a certified translation into English.

You must sign and date your written application, and confirm that all the information you provide is true. Your application will be refused if any evidence you provide is found to be incorrect. We reserve the right to prosecute any person making a fraudulent claim.

**Please note:** Only you (the appellant or your appointed Representative) can make an exceptional circumstances application and can sign the written application. A third party cannot do this on your behalf unless the third party is acting on behalf of a child.

All applications for exceptional circumstances remissions are considered on a case by case basis and on their own individual merits. If you can prove that your circumstances are exceptional, then certain designated officials within HM Courts & Tribunals Service have the discretion to grant a remission. Decisions are based on the information provided at the time the appeal fee is due. To be successful HM Courts & Tribunals Service will need to be satisfied that:

- financial hardship is due to exceptional circumstances;
- the circumstances claimed are 'exceptional'; and
- the existence of the circumstances claimed have been proved.

If your request for exceptional circumstances remission is not successful and you do not feel that all of the evidence that you have provided has been considered, you can ask for that evidence to be looked at again by a more senior official. You will need to write to HM Courts & Tribunals Service and fully explain why you do not accept the original decision and what evidence you feel has not been considered. Once this final decision has been made, it cannot be considered again by HM Courts & Tribunals Service.

## **Where to send your exceptional circumstances application**

If you wish to make an exceptional circumstances application you should clearly mark your envelope 'Article Seven Remission Application' and send it to the Fees Investigation Team at:

First-tier Tribunal (Immigration and Asylum Chamber)  
PO Box 6987  
Leicester LE1 6ZX

HM Courts & Tribunals Service aims to respond to your application within 10 days of receipt.

## **Fee awards and refunds**

Fee Awards are paid by the Home Office (at the direction of a Judge) and Refunds by HM Courts & Tribunals Service. However both may show on your bank statements as coming from HM Courts & Tribunals Service. If you have a query in relation to a payment you may have received, or believe you are entitled to, please read below to determine who you should contact.

### **Fee awards**

It is the responsibility of the **Home Office** to pay a Fee Award.

A Fee Award occurs where, on an allowed appeal, a Judge directs the Respondent (the Home Office) to pay an amount up to the value of the fee paid as part of their decision.

The fee, a contribution towards the administration of the appeal, remains correctly paid to the Tribunal for the work done on the appeal.

The Home Office will generally arrange for a Fee Award to be paid by crediting the payment card that made the original fee payment. It may show on your statement as coming from HMCTS and not Home Office.

If you are not the appellant and a fee payment is credited back to your account you should first check with the appellant if a fee award has been made or a refund requested.

If either the appellant or fee payer has a query about payment or non-payment of a fee award they should contact the Home Office directly on:

[www.gov.uk/browse/visas-immigration/immigration-appeals](http://www.gov.uk/browse/visas-immigration/immigration-appeals)

Phone: 0870 606 7766

## Withdrawals

You may encounter a situation where you have paid for an appeal but the Home Office withdraws their original application refusal and the appeal does not go ahead. A judge cannot not make a fee award in these cases and a refund will not usually be considered by HM Courts & Tribunals Service as the fee paid is a contribution to the cost administering an appeal (rather than a fee that covers the whole cost of the process) and that work will have been done before the withdrawal happened.

If you feel you had to pay for the appeal because of an error made by the Home Office and you think you should be compensated as a result then this should be raised with the Home Office directly. They will consider the circumstances (for example, if you provided late evidence their original decision is not likely to have been made in error) and decide if compensation is due. Payment of compensation is not a refund and is strictly a decision for the Home Office, not HM Courts & Tribunals Service.

## Refunds

It is the responsibility of the First-tier Tribunal (Immigration and Asylum Chamber) to pay a refund.

As the fee does not cover the whole cost of administering an appeal, regardless of the outcome, a refund will not normally be due where work has been done to register and progress the appeal.

The circumstances in which a refund can be applied for and/or given are detailed in the Fees Order: [www.legislation.gov.uk/uksi/2011/2841/made](http://www.legislation.gov.uk/uksi/2011/2841/made)

Some examples of when a refund may be due are –

If we have taken a payment in error i.e. your credit card has been charged more than once for the same appeal (usually because the appeal form has been submitted more than once).

If you have paid for an oral hearing but the judge makes a decision without an oral hearing (paper evidence only) the difference may be refunded.

Making a refund will be decided on case by case basis using the criteria set in the Fees Order.

If due, we will arrange for a refund to be paid by crediting the card account that made the original fee payment. If we are unable to credit the original card account for any reason the appellant will be asked to provide bank account details and a bank transfer will be made instead.

If you are not the appellant and you are unsure as to why a fee payment has been credited back to your card account, you should first check with the appellant to see if a refund has been requested or a fee award made before contacting us.



If either the appellant or fee payer has a query about payment or non-payment of a refund you should contact the tribunal on:

[www.justice.gov.uk/contacts/hmcts/tribunals/immigration-asylum](http://www.justice.gov.uk/contacts/hmcts/tribunals/immigration-asylum)